



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

ROBERT M. SMITH)

Serial No.: 09/838,780)

Filed: 04/20/01)

For: Protein Free Non-Tacky Eggwash . . .)

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DECLARATION OF ROBERT M. SMITH UNDER RULE 132

I, ROBERT M. SMITH, do hereby declare under the penalty of perjury as follows:

1. I have a Bachelors Science degree in food science from the University of Illinois.

2. I have worked in research and development in the food industry for over thirty (30) years.

3. I am currently Technical Director for Par-Way Group, Inc., the Assignee of the above-identified application.

4. I am one of the named inventors of the above-identified application.

5. The following tests were performed under my supervision to compare the efficacy of compositions of U.S. patent application no. 09/838,780 by Robert M. Smith versus U.S. patent application no. 5,976,586 by Lester Feller. A surface glaze composition was prepared according to Example 1 from the Smith patent application and was tested and compared to a surface glaze composition prepared according to Example 1 from the Feller patent.

TEST 1

European country classic rolls were baked for ten (10) minutes at 400°F in a convection oven. After baking, six (6) rolls were sprayed with the Example 1 composition from the Smith patent application and six (6) rolls were sprayed with the Example 1 composition from the Feller patent.

The rolls sat for twenty (20) minutes to dry. Each set of six (6) rolls were placed in plastic bags and sealed. They were evaluated the next day for tackiness and shine. Both sets of rolls were dry when removed from their plastic bags. The six (6) rolls sprayed with the composition of Example 1 formula from the Smith application had a good shine. The six (6) rolls sprayed with the composition of Example 1 from the Feller patent had no shine.

TEST 2

The effectiveness of the two compositions on frozen pies was compared. Two (2) pies were removed from the freezer for the test. One (1) pie was sprayed with the composition of Example 1 from the Smith patent application and one (1) pie was sprayed with the composition of Example 1 from the Feller patent. The pies were baked at 375° for 42 minutes in a convection oven. The pie sprayed with the composition of Example 1 from the Smith application had good shine. The pie sprayed with the composition of Example 1 from the Feller patent had no shine.

TEST 3

Studies were conducted to determine the freeze-thaw characteristics of the composition of Example 1 from the Smith patent application and the composition of Example 1 from the Feller patent. Both samples were placed in plastic bottles and put in the freezer over the weekend. They were removed from the freezer on the following Monday. The Smith composition was microwaved for seven (7) minutes to a temperature of 122°F. The product was still in solution and shined the rolls equal to unfrozen product. The Feller formula was also microwaved for seven (7) minutes to a temperature of 125°F. The product was not still in solution and had granular particles throughout the sample. The Feller composition did not shine the rolls.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: _____

ROBERT M. SMITH, Technical Director



re Application of: Robert M. Smith

Patent: Protein Free Non Tacky Eggwash . . .

Serial No.: 09/838,780

Filed: 04/20/01

Our File No.: 140-174

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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the following Declaration, postcard, Amendment, redlined copy of claims and a check for \$465.00 are being deposited with the United States Postal Service as First Class Mail in an envelope with sufficient postage addressed to:

Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

on Monday, August 18, 2003.

Dated: August 18, 2003

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